

**ORDINANCE NO. 07-021**

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW CONSTRUCTION OF A DUPLEX ON EACH SUBSTANDARD-SIZED LOT (LOT 14 AND LOT 15), HAVING A FRONTAGE OF 40 FEET, WHERE 75 FEET ARE REQUIRED, AND A TOTAL AREA OF 5,508 SQUARE FEET, MORE OR LESS, WHERE 7,500 SQUARE FEET IS REQUIRED; ALLOW A FRONT SETBACK OF 20 FEET, WHERE AT LEAST 25 FEET ARE REQUIRED, AND ALLOW A 0-FOOT EAST SIDE SETBACK FOR LOT 14 AND A 0-FOOT WEST SIDE SETBACK FOR LOT 15, WHERE 7½ FEET ARE REQUIRED FOR EACH, CONTRA TO HIALEAH CODE §§ 98-544 98-545 AND 98-546. **PROPERTY LOCATED AT 992 EAST 24 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of January 10, 2007 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The below-described property is hereby granted a variance permit to allow construction of a duplex on each substandard-sized lot (Lot 14 and Lots 15), having a frontage of 40 feet, where 75 feet are required, and a total area of 5,508 square feet, more or less, where 7,500 square feet are required; allow a front setback of 20 feet, where at least 25 feet are required, and allow a 0-foot east side setback for Lot 14 and a 0-foot west side setback for Lot 15, where 7½ feet are required for each, contra to

Hialeah Code §§ 98-544, 98-545 and 98-546, which provide in pertinent part: "The minimum building site in the R-2 one- and two-family residential district shall be on lot . . . containing at least 7,500 square feet for each one-family or two-family residence. Such parcels or lots shall have an average width of at least 75 feet . . .", "In the R-2 one- and two-family residential district, there shall be a front yard depth not less than 25 feet in distance from the front line, . . . " and "In the R-2 one- and two-family residential district, there shall be side yards, the width of each to be not less than ten percent of the average width of the lot, but in no case shall each such side yard be less than 7½ feet in width." Property located at 992 East 24 Street, Hialeah, Miami-Dade County, Florida, zoned R-2 (One and Two-Family Residential District), and legally described as follows:

LOTS 14 AND 15, AND THE NORTH ½ OF THAT PORTION OF THE 12-FOOT ALLEY LYING SOUTH AND ADJACENT THERETO CLOSED AND VACATED FOR PUBLIC USE PURSUANT TO HIALEAH, FLA., ORDINANCE 94-07 (JAN. 25, 1994), AMENDED PLAT OF THE AMENDED PLAT OF THIRTEENTH ADDITION TO HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGE 26, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such

violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Severability Clause.**

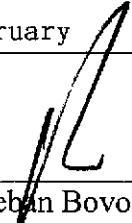
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.


PASSED and ADOPTED this 13<sup>th</sup> day of February, 2007.

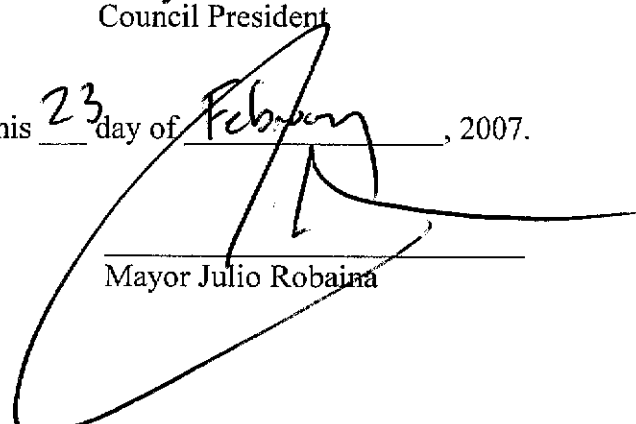
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 186.041  
PRIOR TO FINAL READING.

  
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Esteban Bovo  
Council President

Attest:

Approved on this 23 day of February, 2007.

  
\_\_\_\_\_  
Rafael E. Granado, City Clerk

  
\_\_\_\_\_  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

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Ordinance was adopted by a 6-0 vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Hernandez, Miel and Yedra voting "Yes" and Councilmember Gonzalez absent.